

EXHIBIT A

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Attorney for Defendants
JPMORGAN CHASE & CO. and
CHASE BANK USA, N.A.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

STATE OF HAWAII, *EX. REL.*
DAVID M. LOUIE, ATTORNEY
GENERAL,

Plaintiff,

vs.

JPMORGAN CHASE & CO., CHASE
BANK USA, N.A. AND DOE

CIVIL NO. 12-00263 LEK-KSC
(Other Civil Action)

**DEFENDANTS' JOINT
MEMORANDUM IN
OPPOSITION TO PLAINTIFF'S
MOTIONS TO REMAND AND
FOR COSTS AND FEES FILED
JUNE 15, 2012 [DOC. NO. 37]
DECLARATION OF COUNSEL;**

DEFENDANTS 1-20,
Defendants.

**EXHIBITS 1-6; CERTIFICATE
OF SERVICE**

Hearing: November 19, 2012
Time: 9:45 a.m.
Judge: Hon. Leslie E. Kobayashi

STATE OF HAWAII, *EX. REL.*
DAVID M. LOUIE, ATTORNEY
GENERAL,

Plaintiff,

vs.

HSBC BANK NEVADA, N.A., HSBC
CARD SERVICES, INC., and DOE
DEFENDANTS 1-20,

Defendants.

CIVIL NO. 12-00266 LEK-KSC
(Other Civil Action)

**DEFENDANTS' JOINT
MEMORANDUM IN
OPPOSITION TO PLAINTIFF'S
MOTIONS TO REMAND AND
FOR COSTS AND FEES FILED
JUNE 15, 2012 [DOC. NO. 38]
DECLARATION OF COUNSEL;
EXHIBITS 1-6; CERTIFICATE
OF SERVICE**

Hearing: November 19, 2012
Time: 9:45 a.m.
Judge: Hon. Leslie E. Kobayashi

STATE OF HAWAII, *EX. REL.*
DAVID M. LOUIE, ATTORNEY
GENERAL,

Plaintiff,

vs.

CAPITAL ONE BANK (USA) N.A.,
CAPITAL ONE SERVICES, LLC,

CIVIL NO. 12-00268 LEK-KSC
(Other Civil Action)

**DEFENDANTS' JOINT
MEMORANDUM IN
OPPOSITION TO PLAINTIFF'S
MOTIONS TO REMAND AND
FOR COSTS AND FEES FILED
JUNE 15, 2012 [DOC. NO. 39]
DECLARATION OF COUNSEL;**

and DOE DEFENDANTS 1-20,
Defendants.

**EXHIBITS 1-6; CERTIFICATE
OF SERVICE**

Hearing: November 19, 2012
Time: 9:45 a.m.
Judge: Hon. Leslie E. Kobayashi

STATE OF HAWAII, *EX. REL.*
DAVID M. LOUIE, ATTORNEY
GENERAL,

Plaintiff,

vs.

DISCOVER FINANCIAL SERVICES,
INC., DISCOVER BANK, DFS
SERVICES, L.L.C., AMERICAN
BANKERS MANAGEMENT
COMPANY, INC., and DOE
DEFENDANTS 1-20,

Defendants.

CIVIL NO. 12-00269 LEK-KSC
(Other Civil Action)

**DEFENDANTS' JOINT
MEMORANDUM IN
OPPOSITION TO PLAINTIFF'S
MOTIONS TO REMAND AND
FOR COSTS AND FEES FILED
JUNE 15, 2012 [DOC. NO. 40]
DECLARATION OF COUNSEL;
EXHIBITS 1-6; CERTIFICATE
OF SERVICE**

Hearing: November 19, 2012
Time: 9:45 a.m.
Judge: Hon. Leslie E. Kobayashi

STATE OF HAWAII, *EX. REL.*
DAVID M. LOUIE, ATTORNEY
GENERAL,

Plaintiff,

vs.

BANK OF AMERICA
CORPORATION, FIA CARD

CIVIL NO. 12-00270 LEK-KSC
(Other Civil Action)

**DEFENDANTS' JOINT
MEMORANDUM IN
OPPOSITION TO PLAINTIFF'S
MOTIONS TO REMAND AND
FOR COSTS AND FEES FILED
JUNE 15, 2012 [DOC. NO. 41]
DECLARATION OF COUNSEL;**

SERVICES, N.A., and DOE
DEFENDANTS 1-20,

Defendants.

STATE OF HAWAII, *EX. REL.*
DAVID M. LOUIE, ATTORNEY
GENERAL,

Plaintiff,

vs.

CITIGROUP INC., CITIBANK, N.A.,
DEPARTMENT STORES NATIONAL
BANK, and DOE DEFENDANTS 1-20,

Defendants.

**EXHIBITS 1-6; CERTIFICATE
OF SERVICE**

Hearing: November 19, 2012
Time: 9:45 a.m.
Judge: Hon. Leslie E. Kobayashi

CIVIL NO. 12-00271 LEK-KSC
(Other Civil Action)

**DEFENDANTS' JOINT
MEMORANDUM IN
OPPOSITION TO PLAINTIFF'S
MOTIONS TO REMAND AND
FOR COSTS AND FEES FILED
JUNE 15, 2012 [DOC. NO. 42]
DECLARATION OF COUNSEL;
EXHIBITS 1-6; CERTIFICATE
OF SERVICE**

Hearing: November 19, 2012
Time: 9:45 a.m.
Judge: Hon. Leslie E. Kobayashi

**IV. THE CITIBANK ACTION IS REMOVABLE UNDER THE
SUBSTANTIAL FEDERAL QUESTION DOCTRINE.**

To preserve the argument for appeal, Citibank also removed on the substantial federal question ground, as the Complaint relies on violations of federal law to establish alleged violations of state law. Citibank acknowledges, however, that *Nevada v. Bank of America*, 672 F.3d 661 (9th Cir. 2012) rejects this argument. Citibank continues to rely on the other grounds stated in its notice of removal, addressed above in this brief.

V. THE ATTORNEY GENERAL IS NOT ENTITLED TO FEES OR COSTS.

Even if this Court were to disagree with the banks' removal arguments, the Attorney General's request for fees and costs lacks merit. Fees and costs may be assessed "only where the removing party lacked an objectively reasonable basis for seeking removal." *Martin v. Franklin Capital Corp.*, 546 U.S. 132, 141 (2005). "[I]f clearly established law did not foreclose a defendant's basis for removal, then a district court should not award attorneys' fees." *Ortiz v. Menu Foods, Inc.*, 525 F. Supp. 2d 1220, 1237 (D. Haw. 2007) (internal quotation marks omitted).

Here, no "clearly established law" forecloses the removal arguments set forth above; indeed, if any such law existed, it would not have taken the Attorney General 37 pages and 29 footnotes to try to rebut defendants' removal